

# Guide to El Dorado County

## BUSINESS ALLIANCE

### UPDATE

Jan/Feb 2006

Part of what makes El Dorado County so special is its physical beauty and natural resources. These cannot be found in many areas in California. We continue to see more and more families moving from crowded cities to rural areas of the state, and El Dorado County's (EDC) economic vitality coupled with its relaxing agricultural areas and national and state forests, is a natural draw. But there is something else that is special about this area that those involved in local business, chambers of commerce, and the community know. We seem to have an inordinate amount of creative brain power from successful people who have chosen to work or retire here. That energy and dedication to our future is reflected in the following two articles.

#### El Dorado County Needs Strategic Planning for Future Water & Energy

It is no fluke that El Dorado County has gone from water emergencies and an economy-threatening water moratorium in the 1980's and early 1990's, to the current status of security – at least in the short term. We solved many problems through the involvement of the public and our elected state legislators and Congressman Doolittle, and the creative thinking of local elected officials and staff at the county, water agency and EID. The result has been the establishment of a secure water supply for much of El Dorado County through several actions: The control of Sly Park

Reservoir (formerly controlled by the federal government), ownership and control of Project 184 (formerly owned and operated by PG&E), a recent agreement with SMUD on the Upper American River Project (UARP) in which SMUD has agreed, conditionally, to provide future water from the UARP, and the securing of 17,000 acre feet of additional water rights granted by the State.

There is no doubt this county has significant issues yet to deal with, including potential drought and floods. The Auburn Dam, originally believed to be the cure for this area's water problems, has been sidelined (but not abandoned...) due to politics and continually increasing construction costs. Several notable problems remain including:

- Georgetown Divide Public Utilities District (GDPUD) needs more supply and storage capacity.
- SMUD water from the UARP requires conveyance and a storage reservoir.
- South County needs a water supply.
- EID & GDPUD face major expenses for upgrading or replacing water transmission facilities.

One of the most impressive examples of community action has often centered around the Citizens for Water (CFW), a local group of volunteers that has been meeting and influencing water activities for over 20 years. Its membership includes a former EID manager, national forest supervisors, former county supervisors, attorneys, agriculture and business leaders, engineers

and geologists, and a professor or two. This group has unwavering enthusiasm and brain power. The latest example of CFW's ongoing creativity is the development of new strategic ways in which to secure access to water and power by relatively minor dam construction projects and the use and re-use of water flowing through El Dorado County, thereby making the best use of existing water and also using it for additional power generation. The concept addresses the future needs of this area for another 25 to 50 years by direct-ing efforts to long-range strategic planning with sufficient lead-time for new projects.

SMUD has developed the northern two-thirds of the South Fork American River, although there appears to be unallocated water from the Rubicon River. The southern one-third of the South Fork American River and the Cosumnes River are only partially developed. Former SOFAR Project engineering work can be utilized to examine additional opportunities for the South Fork American River. For example, Two additional reservoirs (Texas Hill & Alder) are possible. These could be interconnected with Sly Park with the possibility of one or more pump storage operations. Respective elevation differences for the three reservoirs invite examination for pump storage energy production. Full-year operation of the Akin Power plant should also be explored. SMUD water from the UARP could be routed to Texas Hill Reservoir and eventually supply gravity water to El Dorado Hills, thus reducing or eliminating pumping costs. Alder Reservoir operations might emphasize storage for drought while also being used for pump storage energy production.

Additional long-term goals would require clarification of equitable sharing of economic

benefits derived from water projects that impact both upstream and downstream users. More options need to be explored for integrating the existing facilities with other cost-effective facilities, including investigating the concept of generating supplementary energy production income to help finance the new facilities.

Citizens for Water plans to push for preliminary analysis work to begin in 2006 to identify the most attractive combinations of facilities to meet the cited objectives.

Strategic planning would follow and include, among other items, an analysis of probable and potential difficulties, timelines, approximate costs and possible funding sources.

### **New Asbestos Report Puts Doubt on Federal EPA Findings**

El Dorado County has been dealing with naturally occurring asbestos (NOA) in the last year or more when area news reports indicated that El Dorado Hills (EDH) was an unsafe place to live. Local schools, community leaders and concerned citizens became educated on NOA issues and sought coordinated, accountable, accurate and scientifically-based approaches to NOA from state and federal agencies for most of 2005 - only to find themselves embroiled in often non-responsive information being disseminated by the Federal EPA Region IX. The more information is accrued that debunks the methods and results produced by the EPA, the more questionable information is put forth. New information released in December 2005 paints a much different picture than does the US EPA report and their October 2004 tests results for El Dorado Hills.

In May 2005 - with widespread media attention - the US EPA released a report

summarizing two lab tests' results of NOA tests conducted on EDH soils. The report concluded that asbestos fibers were present in both the soil and background air and noted exposure to elevated concentrations of asbestos fibers in connection with activity-based monitoring. At subsequent EPA-sponsored meetings, they declared these findings to be of concern to El Dorado County residents and urged extensive and costly remediation of El Dorado Hills' "contaminated" soils.

In September 2005 the RJ Lee Group, a highly regarded consulting firm who conducted work at the Twin Towers site after 9/11, and who has previously contracted with the EPA, accepted a new contract to conduct peer review on the air and soil data gathered and analyzed by the EPA labs' and their published findings. RJ Lee assessed the data collected by using the latest science available on asbestos fiber definition as associated with potential health risks. Knowing this was a very hot issue for the EPA, professors from University of Maryland, University of NYC, and a retired geologist from the USGS, when asked, peer reviewed RJ Lee's work. All three peer reviews of RJ Lee's work substantiated the firm's findings. (To review the full report, go to: [www.rjlg.com](http://www.rjlg.com).)

The following points are based on the latest reports, peer review activities and conversations with local scientists and leaders intimately involved in this issue during the past year. We've tried to avoid overly-scientific phrasing without losing the integrity of the data, however the original report language is posted on the website provided:

- El Dorado County leaders and

**(Continued on p. 15)**

# BUSINESS ALLIANCE UPDATE

(Continued from p. 7)

scientists, as the Local Agency Working Group (LAWG), found many discrepancies in the EPA test and methodology and reported results. Prior attempts by LAWG to get peer review conducted had failed.

- There has been no link established between NOA and health issues of El Dorado County residents.

According to the recently released RJ Lee peer review report:

- Out of over 300 soil samples taken by EPA labs, or 2,386 amphibole particles reported to be asbestos fibers by those labs, only 7 were concluded to be amphibole asbestos fibers of the kind that EPA itself considers to be of concern with respect to health risks. Based on mineralogy, the EPA over-counted by 63%, but did not include that fact in their report. The BA believes this may indicate over-counting until predetermined results were established.

- The laboratory procedures did not comply with the National Voluntary Laboratory Accreditation Program (NVLAP) quality assurance standards.

- The soil samples selected do not demonstrate the presence of amphibole asbestiform minerals.

- The ISO 10312 analytical method previously accepted and used by the EPA, can not distinguish

between asbestos fibers and non-asbestos cleavage fragments. This point is very significant and, according to geology publications and scientists, including the method description itself, this test does not distinguish between asbestos fibers and non-asbestos cleavage fragments. "The result is that the EPA methodically inflated the reported asbestos concentrations with non-asbestos cleavage fragments that are not known to produce asbestos-like diseases."

- The selected area SAED pattern (SAED provides information on a mineral's atomic structure) used by the EPA tests corroborates the fact that amphibole particles collected for the EDH study are non-asbestiform minerals.

The result of the EPA reported information is a rash of fear and emotional distress caused to local residents. Additionally, the cost of doing business in El Dorado County has increased significantly based on EPA reports and subsequent mitigation measures for private industry, local schools and county agencies, and is said to have increased by up to 30%. El Dorado Union High School District at Oak Ridge High School alone has already spent \$1.7 million on remediation efforts for NOA, and Folsom estimates spending \$5-\$7 million for remediation. Local

taxpayers are footing the bill.

The US EPA could remediate some of the emotional and financial burdens placed on this area if they would embrace the new information provided through the R.J. Lee Report and revise their procedures to implement new directions identified within the findings of the Report. At the very least, when this matter is finally resolved, the US EPA should support El Dorado County in removing its punitive remediation regulations that would be (or are now) unnecessary and are costing this area so much.

If you wish to view more information regarding this issue, please visit the El Dorado County Office of Education website at [www.edcoe.k12.ca.us](http://www.edcoe.k12.ca.us).

## Many Changes in County Rules

There have been several significant changes in local rules lately.

— expect many more in the near future. We recommend that you review the appropriate county department website for details on the following regulations/changes:

**Grading Ordinance:** The El Dorado County Grading Ordinance will be going to the Board of Supervisors soon with a staff recommendation for significant change. Staff is expected to recommend that the amount of dirt moved that kicks in the requirement for a grading permit, should go from 250 cubic yards to 50 cubic yards. According to staff that is a standard used by most California

counties.

**Traffic Fees:** As reported in the last issue of this news-letter, the Business Alliance has dropped its participation in the DOT Citizens Advisory Committee meetings. However we continue to track this issue and note that the Supervisors will hold their next hearing on the Traffic Impact Mitigation fee program on Monday - January 23, 2006. We have been warned to expect even higher traffic mitigation fees than those established in the interim program, however, the **BA has seen no justification for further increases**. Currently traffic fees run as high as \$28,000 per single family residence. The interim fee program left retail fees the same while office and industrial fees dropped in some cases.

## Asbestos Dust Mitigation:

Supervisors recently amended the rules for asbestos dust hazardous mitigation compliance in El Dorado County. The requirement for a fugitive dust control plan now requires inclusion of a grading permit in incorporated cities of the county. The allowance for multiple projects under one fugitive dust plan has been eliminated however, the rules now allow for multiple phases on one project. The requirement for a geological evaluation review fee for single-family residential projects was eliminated from the land development fee section.

## General Plan Amendment(s)

**Planned:** Supervisors have declared their intentions to amend the (new) 2004 General Plan (GP)

in two areas: Limitations on floor area ratios and limitations on maximum impervious surfaces. Impervious surfaces are those collective areas on a parcel that don't allow for water absorption, such as pavement. Currently the maximum percent of impervious surface allowed is 85% for commercial and industrial zoned property and 50% for research and development zoned lands. The current standard for floor area ratio is .25 square feet of development allowed per 1 square foot of property zoned commercial, research and development or industrial. These rules are tempered by other growth-limiting policies such as those in the El Dorado Hills Business Park, which limits the number of employees allowed to 10,045 *unless* it can be shown that more employees will not (negatively) affect the level of service on nearby roads.

First the Board will consider allowing a project to exceed the maximums set forth *if the project is approved via a discretionary review process*. A more permanent solution will be an amendment to the actual ratios set forth in the GP, which will require an environmental review process that will take longer to conduct, and probably won't be adopted until the end of 2006. Staff reports that impervious surface standards that already exist in the GP probably address this issue sufficiently. Future workshops and hearings will be scheduled later this year.